IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Crl.MC.No. 328 of 2004(A)

CC.874/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, TRIVANDRUM

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PETITIONERS:

1. P.K.RAJESH KUMAR, S/O. P.K.KRISHNAN NAMBIAR, AGED 38, NAMBIAR HOUSE, NEAR THAVAROOR L.P. SCHOOL, CHENGALAYI VILLAGE, THALIPARAMBA TALUK, KANNUR DISTRICT.

2. S.K.ABDUL KHADAR, S/O. KASSM, AGED 32 YEARS, M.P.1/176, MUNDAKOTH HOUSE, VELLACHAL DESOM, MADAYI AMSOM, KANNUR TALUK, KANNUR DISTRICT.

3. BAIJU, S/O. VIJAYAN, AGED 26, THUSHARA HOUSE, CHELORA, VALIYANNUR AMSOM, KANNUR TALUK, KANNUR DISTRICT.

4. SAJEER, S/O. PURUSHOTHAMAN, AGED 31, K.P.V/199, KANNACHI HOUSE, KANNAPURAM VILLAGE, KANNUR TALUK, KANNUR DISTRICT.

BY ADV. SRI.M.P.VIJAYAN

RESPONDENTS:

1. STATE OF KERALA, REPR. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. ADDITIONAL SUB INSPECTOR OF POLICE, CANTONMENT POLICE STATION, TRIVANDRUM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON HE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 328 of 2004

ORDER

Today also counsel for the petitioners is absent and there is no representation on his behalf. Perused the records. I dismiss this Crl.M.C., as it does not stand established that the proceedings in C.C.No.874/02 on the file of the Judicial First Class Magistrate's Court-III, Thiruvananthapuram against the petitioners is an abuse of process of the court or that there is no chance of the prosecution case being established on the evidence that may be adduced by the prosecution.

2nd August, 2007 (K.P.Balachandran, Judge)

tkv